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In re Application of

OLIVETTI *et al*

U.S. Application No.: 10/538,875

PCT No.: PCT/EP02/14482

Int. Filing Date: 18 December 2002

Priority Date:

Attorney Docket No.: 05788.0372

For: MODULAR APPARATUS AND

METHOD FOR DATA

COMMUNICATION BETWEEN A

DISTRIBUTION NETWORK AND A

RESIDENTIAL NETWORK

DECISION ON PETITION

TO WITHDRAW HOLDING

OF ABANDONMENT

This decision is in response to the "Petition to Withdraw Holding of Abandonment Under M.P.E.P. 711.03(c)(I)(B)" filed on 08 September 2006.

BACKGROUND

On 23 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), additional claim fees of \$100.00, and a \$130.00 surcharge fee pursuant to 37 CFR 1.492(h) was required. A two-month time limit in which to respond was set with extensions of time available.

On 23 January 2006, applicants filed a response which contained, *inter alia*, an executed declaration, a response to the additional claim fee charge, the \$130.00 surcharge fee, and authorization to charge the additional claim fee to Deposit Account No. 06-0916 if required.

On 03 August 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 23 November 2005.

On 10 February 2004, applicants filed the instant petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents filed 23 January 2003 and a stamped postcard receipt for those documents.

DISCUSSION

A review of the application shows that a response to the Form PCT/DO/EO/905 mailed 23 November 2005 was filed and received in the Office on 23 January 2006. This response included a declaration in compliance with 37 CFR 1.497(a) and (b) and the \$130.00 surcharge fee

Accordingly, the Form PCT/DO/EO/909 mailed 03 August 2006 was sent in error and is hereby **VACATED**.

DECISION

For the reasons above, applicants' petition to withdraw the holding of abandonment is dismissed as **MOOT**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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